

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No.: 5:17-cv-00534-H

EPIC GAMES, INC.,)
Plaintiffs,)
v.) MOTION FOR DEFAULT JUDGMENT
C.R.,)
Defendant.)

)

Plaintiff Epic Games, Inc. (“Plaintiff” or “Epic”), by and through undersigned counsel, and pursuant to Federal Rule of Civil Procedure 55(b)(2), hereby respectfully moves for entry of default judgment with prejudice against Defendant C. R. (“Defendant” or “C. R.”), as represented by his general guardian Lauren Rogers (“Ms. Rogers”). The grounds for this motion are stated in greater detail in Plaintiff’s Memorandum of Law in Support of Motion for Default Judgment filed contemporaneously herewith.

In support of this Motion, Plaintiff relies on the following materials, either previously submitted or filed contemporaneously with this Motion:

- The Complaint (D.E. 1);
- Letter from Lauren Rogers to the Clerk of Court (D.E. 6);
- The amended Summons (D.E. 9);
- Epic’s Declaration of Service (D.E. 10);
- Order on Motion for Entry of Default (D.E. 13);
- Epic’s Response to Defendant’s Motion to Dismiss (D.E. 20);

- Order denying Motion to Dismiss (D.E. 22);
- Epic's Renewed Motion for Entry of Default (D.E. 23);
- Order granting Motion for Entry of Default (D.E. 24);
- Epic's Memorandum of Law in support of Motion for Default Judgment, submitted contemporaneously herewith;
- Epic's Second Declaration of Chris Thomas, submitted contemporaneously herewith; and
- Affidavit of Christopher M. Thomas in support of Motion for Default Judgment, submitted contemporaneously herewith.

WHEREFORE, Plaintiff respectfully requests that this Court enter an order for default judgment with prejudice and permanent injunction against Defendant directing Defendant to immediately (i) destroy all copies of any videos, cheats or hacks in his possession, custody, or control that can be used to infringe any of Epic's copyrights or cheat at any of Epic's games and (ii) permanently enjoining Defendant from engaging in the following activities:

1. infringing any of Epic's currently existing or future copyrighted works, including, without limitation, infringement by unauthorized public display or public performance of any of Epic's current or future copyrighted works and/or derivative works based on such works, and/or the use of any software or device that copies or modifies Epic's software in violation of the Copyright Act;
2. inducing or materially contributing to the direct infringement of any of Epic's currently existing or future copyrighted works by others, including, without limitation, infringement by the use of any software or device that copies or modifies Epic's software in violation of the Copyright Act;
3. violating Epic's Terms of Service;

4. violating the Fortnite End User License Agreement;
5. intentionally interfering with Epic's contracts or contractual relations with the other parties to those contracts or contractual relations;
6. cheating at any of Epic's games or at any game that Epic subsequently develops, creates, or publishes in a way that infringes Epic's copyrights or violates any contract with Epic; and/or
7. materially contributing to the infringement by cheating of others or inducing others to infringe by cheating at any of Epic's current games or any games that Epic subsequently develops, creates, and/or publishes in a way that infringes Epic's copyrights or violates any contract with Epic.

A proposed order is being submitted herewith.

Respectfully submitted this the 24th day of September, 2018.

/s/ Christopher M. Thomas
Christopher M. Thomas
N.C. State Bar No. 31834
christthomas@parkerpoe.com
Tasneem D. Delphry
N.C. State Bar No. 47697
tasneemdelphry@parkerpoe.com
PARKER POE ADAMS & BERNSTEIN LLP
PNC Plaza
301 Fayetteville Street, Suite 1400
Post Office Box 389
Raleigh, North Carolina 27602-0389
Telephone: (919) 832-4626
Facsimile: (919) 834-4564

*Attorneys for Plaintiff
Epic Games, Inc.*

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **MOTION FOR DEFAULT JUDGMENT** was electronically filed this day with the Clerk of Court using the CM/ECF system and that a true and accurate copy of it was sent to all parties to this cause by depositing the original and/or copy hereof, postage pre-paid, in the United States mail, addressed as follows:

C.R.
c/o Lauren Rogers
501 West Ave.
New Castle, DE 19720

and

C.R.
c/o Lauren Rogers
5 Vireo Circle
Newark, DE 19711

This the 24th day of September 2018.

/s/ Christopher M. Thomas
Christopher M. Thomas
N.C. State Bar No. 31834
christomas@parkerpoe.com
Tasneem D. Delphry
N.C. State Bar No. 47697
tasneemdelphry@parkerpoe.com
PARKER POE ADAMS & BERNSTEIN LLP
PNC Plaza
301 Fayetteville Street, Suite 1400
Post Office Box 389
Raleigh, North Carolina 27602-0389
Telephone: (919) 832-4626
Facsimile: (919) 834-4564

*Attorneys for Plaintiff
Epic Games, Inc.*